

Senate File 148

S-3021

1 Amend the amendment, S-3015, to Senate File 148, as follows:

2 1. Page 1, by striking line 5 and inserting <ADVERSE HEALTH
3 CARE INCIDENTS>

4 2. Page 1, before line 6 by inserting:

5 <Sec. ____ . NEW SECTION. 135P.5 **Medical malpractice policy**
6 **limit — bad faith.**

7 1. An insurance company insuring a health care provider
8 for professional negligence shall at all times negotiate in
9 good faith all claims presented to the provider. If a claimant
10 offers to settle a claim within the professional negligence
11 insurance policy coverage limits and the insurance company
12 refuses or declines the offer and the claim proceeds to
13 judgment in excess of the insurance policy coverage limits, the
14 insurance company shall be liable for the full amount of the
15 judgment regardless of the existing insurance policy coverage
16 limitation.

17 2. An insurer of a professional liability policy has a duty
18 to negotiate a settlement within the policy limits if an offer
19 is made by a claimant at or within the policy limits. If the
20 insurer does not do so, the policy holder shall have a cause
21 of action against the insurer for the failure to negotiate a
22 settlement within the policy limits. The settlement shall
23 include the recovery of all damages the insured incurs and
24 reasonable attorney fees.>

25 3. Page 4, after line 20 by inserting:

26 <____. Title page, line 1, after <against> by inserting <and
27 medical malpractice insurance of>>

28 4. By renumbering as necessary.

ZACH WAHLS

NATE BOULTON

WILLIAM A. DOTZLER, JR.

MOLLY DONAHUE

TODD TAYLOR

CLAIRE CELSI

ERIC GIDDENS

PAM JOCHUM

HERMAN C. QUIRMBACH

JANICE WEINER

JANET PETERSEN

LIZ BENNETT